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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,646	07/18/2006	Guido Muesch	PHIDE030119US	2630
38107 7590 08/20/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143				
EXAMINER CHAKOUR, ISSAM				
ART UNIT		PAPER NUMBER		
4163				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,646

Applicant(s)

MUESCH ET AL.

Examiner

ISSAM CHAKOUR

Art Unit

4163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
- Paper No(s)/Mail Date 10/07/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 9, 10, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rein et al (US 5,385,297).

3. Regarding claim 1, Rein discloses a method of allocating network elements to a wireless network, wherein an allocation unit (e.g. personal comfort sensor or simply a remote control, see figure 2, item 110) transmits a code or data (note, each control function is represented by a specific code or pulses when pressing the button of that particular control function) to a first network element (e.g. zone sensor, see figure 2, item 58), which code causes the first network element to transmit its ID together with code so that the latter can be received by a second network element (e.g. controller, see figure 2, item 68) which allocates the first network element to its network (e.g. the synchronization of the first network element or sensors to second network element or the controller, see column 20, lines 54-58).

4. Regarding claim 2, Rein teaches the limitation in accordance with claim 1, wherein the allocation unit (e.g. personal comfort sensor or simply a remote control, see figure 2, item 110) transmits an encoded light pulse (e.g. Infra-Red transmission, see column 15, line 33)
5. Regarding claim 3, Rein teaches the method in accordance with claim 1, he further teaches the method wherein the allocation unit transmits an encoded radio signal (See column 15, line 33).
6. Regarding claim 9, Rein discloses an allocation unit as mentioned (See figure 25, item 110) above for allocating network elements (e.g. zone sensors) to a wireless network, comprising a transmitter (See figure 22, item 344 by 344A or 344B means) which transmits, in a user-controlled manner (e.g. user interface, see figure 22, items 348,350-358), a code or data to a first network element (See column 15, line 58-62), which code causes the first network element to transmit its ID (See column 10, line 56) together with the code so that the latter can be received by a second network element (See column 10, line 62-63) which allocates the first network element to its network (e.g. the synchronization of the first network element or sensors to second network element or the controller, see column 20, lines 54-58).
7. Regarding claim 10, Rein discloses an allocation unit as claimed in claim 9, wherein the transmitter comprises a device for transmitting an encoded light pulse and/or an encoded radio signal (See figure 22, item 344 by 344A or 344B means).
8. Regarding claim 11, Rein discloses an allocation unit as claimed in claim 9, wherein the code (See column 15, line 58-62) which causes the first network element to

transmit its ID (See column 10, line 56) together with the code causes the second network element to be ready to receive the encoded ID from the first network element (See column, lines 39-54).

9. Regarding claim 13, Rein further teaches the allocation unit in accordance with claim 9, wherein there is additionally one or more devices for displaying the respective operating state (See claim 6-9 in Rein).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rein.

13. Regarding claims 5 and 12, Rein discloses the method in accordance with claim 1 and 9 respectively, Rein does not disclose that the allocation unit can receive the encoded ID from the first network element and transmit it to the second network element. However, the examiner takes official notice that it is well known in the art to integrate a receiver in the allocation unit for receiving data encoded sensor identification or any data from the sensors (NE-1) and transmitting it to the second network element. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rein's invention as to route the encoded ID information through the allocation unit instead of direct communication between NE-1 and NE-2, because the feature will mitigate the event of loss of signal or synchronization of NE-1 to the network of NE-2, therefore the user would feel the need for synchronizing the network elements manually by storing the encoded ID in the allocation unit and transmitting it to the NE-2.

14. Claims 1-4, and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khair in view of Borchardt et al (US 5,383,044).

15. Regarding claim 1, Khair discloses a method of allocating network elements (e.g. bio-sensor transceivers, see figure 1, items 16) to a wireless network (e.g. short range network, see claim 1), wherein the first network element transmit its ID (e.g. unique identifier, see paragraph [0081] on page 6, line 6) so that the latter can be received by a second network element (e.g. Base unit, see figure 1) which allocates the first network element (e.g. biosensors) to its network. Khari does not teach that the allocating unit is a separate unit that performs the function of transmitting a code which causes the first

network element to transmit its ID and the code transmitted to a second network element. However, Borchardt discloses a unit (e.g. remote control) that has a plurality of control functions for controlling devices and apparatuses (See abstract). Note that in the prior art (Khair et al) the second network element (e.g. base unit, see figure 1) has the allocating function which transmit a code that causes the first network elements to transmit back their ID as well as the ID of base unit transmitted initially to the first network elements (See abstract and claim 1 in Khair). It would have been obvious to one of ordinary skill in the art to modify Khair's invention to include the feature (remote control) taught by Borchardt because the remote control or the allocation unit could be used to conveniently and remotely synchronize a sensor to be added to the network, by sending the appropriate coded information in an infra-red signal or RF signal, the new sensor to be added is initiated to transmit its identification and the control code for synchronization to the network master or administrator which is the second network element.

16. In claim 2, Khair in view of Borchardt also teaches the limitation in accordance with claim 1, but Khair does not teach that the allocation unit as in claim 1 transmits an encoded light pulse. However, Borchardt teaches a task or function allocation unit that transmits an encoded light pulse (See abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system as taught by Khair to transmit the encoded signal in a form of signal carrying light such Infra-Red transmission as opposed to radio frequency or RF transmission, because the control by

the allocation unit might constitute a transmission alternative and a convenient way for configuring the transceivers to transmit the sensed signal from the patient body.

Note that in the prior art above the base unit has both functions, one performed by the second network element which is the managing and the configuring processing function and the second is the allocation unit which is the remote controller which synchronizes and control the sensors. It would have been obvious to one of ordinary skill in the art to separate the function of remote controlling the sensors and implementing it as a separate unit which would both control.

17. Regarding 3, Khair in view Borchardt teaches the limitation as claimed in claim 1, Khair further teaches that the base unit transmits an encoded radio signal (See paragraph [0054], line 6) radio signal (See paragraph [0043]). However Khair does not teach that the allocation unit transmits an encoded radio signal. However, the examiner takes official notice that it is well known in the art to implement the elements of the network such that these elements communicate through an interface transmitting radio signals. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Khair's invention such that the allocating unit or remote control as taught by Borchardt carries the allocation function instead of the base unit in Khair, and such that the allocating unit transmitted signal is a radio signal, because radio communication constitutes an alternative way for transmitting data between elements of the network where range and obstruction are issues to Infra-Red (light pulse) transmission.

18. Regarding claim 4, Khair in view of Borchardt teaches the method in accordance with claim 1, wherein the activation of second network element (See figure 4, item 61) to receive the encoded (See item 56 in figure 4) ID from the first network element takes place by receiving the code (e.g. commands) from the base unit. Khair does not teach that the activation takes place by receiving the code from the allocation unit. However, Borchardt as mentioned above teaches the allocating unit or the remote control (See abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the base-unit function as taught by Khair of allocating the network to the first network element (e.g. sensors) for the allocation unit found in Borchardt because it would allow prompt synchronization especially if all the steps are automatic instead of manual. Note furthermore that implementing the allocating unit function steps in a remote control apparatus is well within the grasp on one of ordinary skill in the art.

19. Regarding claim 6, Khair in view of Borchardt teaches the limitation in accordance with claim 1, Khair further teaches that a base unit (which is the NE-2) can transmit a second code or another command which causes a first network element (sensors) to leave (disable the NE-1) the network of the base unit (See paragraph [0109], lines 7-10). Khair does not teach that the allocation unit can transmit a second code which causes the NE-1 to leave the network of NE-2. However, Borchardt does teach the allocating having control functions (See abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Khair's invention to include the allocating unit or remote control as taught in Borchardt's invention such that the

function of disconnecting NE-1 from the network of NE-2 as performed by the base unit is rather implemented in and controlled from the allocation unit, because the feature will permit the user to easily disconnect the sensors when they are not in use or for conservation of battery power.

20. With respect to claim 7, Khair in view of Borchardt discloses the method as in claim 1; Khair further teaches that a base unit (NE-2) which has a network administration function can break up the network or disconnect other element from its network as indicated above (See paragraph [0109], lines 7-10). Khair does not teach that the allocation unit can transmit a second code which causes the second network element, which has a network administration function to break up the network. As mentioned previously, Borchardt's invention discloses an allocation unit having control functions. Similarly, it would have been obvious to one of ordinary skill in the art to modify Khair's invention so to include the allocation unit taught by Borchardt to perform the control function of the user as originally performed by the base unit in Khair's invention, which is to send another command by means of a transmitter to cause the second network element (also the bas unit in Khair) which has administration function to break up the network, because the user for the same reason discussed above would desire to disconnect the sensors as well as the network node/administrator when they are no longer in use or for conservation of battery power.

21. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khair in view of Borchardt in further view of Lui et al (US 2002/0180622)

22. Regarding claim 8, Khair in view Borchardt discloses the method in accordance with claim 6. Khair in view of Borchardt teaches as mentioned above a command for removing network elements (e.g. sensors) or for breaking up the network. However Khair does not teach that the second code for said particular control consists in the first code being transmitted over a longer time period or number of times. Nonetheless, Lui discloses a time based button pressing method for performing a particular function or for controlling a function, he discloses that the second code or command being transmitted is consisted of the first command (pressing the button for a normal short period of time) being transmitted over a longer period of time. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Khair's invention as to include the allocation unit (remote control) as taught by Borchardt, where instead of using multiple button for different control functions, the modification would further include Lui's method, because the feature would allow the user to carry a compact remote control with fewest buttons yet with the same functionalities.

23. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rein in view of Khair and Borchardt.

24. Regarding claim 14, Rein teaches the allocation unit as in claim 9, Rein does not explicitly teach that the allocation unit transmits in a user controlled manner a second code which causes the first network element to leave the network of the second network

element or which causes the second network element which has a network administration function to break up the network. However, Khair in view of Borchardt does disclose as mentioned above that the allocation unit transmits a second command or code which causes the second network element which has a network administration function to break up the network (See paragraph [0109], lines 7-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Rein's system with remote equipped version of Khair and Borchardt invention because the user might desire to turn off the transmission of disconnect eh sensors from the network administration unit (the second network element) when they are not in use or to conserve battery power consumed from multiple continuous transmission of signals.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Teller (US 2002/0013538) teaches a wireless telemetry monitoring method employing wireless sensor units and feeding the information to wireless network interface having administration function for controlling the operation of these sensor units. Yet another prior art such that disclosed by DeLuca et al (US 6,238,338) teaches a monitoring system where sensors having wireless means for communicating to a wireless network node. Moreover, a related prior art is one disclosed by Script (US 6,215,396) where it teaches two network elements one of which has administrative functions and the other are sensors, and an allocation unit having

control means for activating and deactivating the sensing means through the wireless node.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISSAM CHAKOUR whose telephone number is (571)270-5889. The examiner can normally be reached on Monday-Thursday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on 5712722319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IC

/Mark A. Robinson/

Supervisory Patent Examiner, Art Unit 4163